

1 PHILLIP A. TALBERT
United States Attorney
2 STEPHANIE M. STOKMAN
Assistant United States Attorney
3 2500 Tulare Street, Suite 4401
Fresno, CA 93721
4 Telephone: (559) 497-4000
Facsimile: (559) 497-4099
5
Attorneys for Plaintiff
6 United States of America
7

8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JERRETT NEWMAN,

14 Defendant.
15

CASE NO. 1:16-CR-00086 AND 1:21-CR-299-DAD-BAM

STIPULATION REGARDING EXCLUDABLE TIME PERIODS UNDER SPEEDY TRIAL ACT; FINDINGS AND ORDER

DATE: May 24, 2023

TIME: 1:00 p.m.

COURT: Hon. Barbara A. McAuliffe

16 **STIPULATION**

17 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
18 through defendant's counsel of record, hereby stipulate as follows:

19 1. By previous order, this matter was set for status on May 24, 2023.

20 2. By this stipulation, defendant now moves to continue the status conference until August
21 9, 2023, and to exclude time between May 24, 2023, and August 9, 2023, under 18 U.S.C.
22 § 3161(h)(7)(A), B(iv) [Local Code T4].

23 3. The parties agree and stipulate, and request that the Court find the following:

24 a) The government has represented that the discovery associated with this case
25 includes reports, photographs, and audio files. Discovery has been either produced directly to
26 counsel and/or made available for inspection and copying, however, additional items of
27 discovery are being processed and will soon be produced.

28 b) Counsel for defendant desires additional time to further review discovery, discuss

1 potential resolution with his client and the government, and investigate and prepare for trial.

2 c) Counsel for defendant believes that failure to grant the above-requested
3 continuance would deny him/her the reasonable time necessary for effective preparation, taking
4 into account the exercise of due diligence.

5 d) If there is no resolution by the next status date, the parties will be prepared to set a
6 trial date.

7 e) The government does not object to the continuance.

8 f) Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendant in a trial within the
10 original date prescribed by the Speedy Trial Act.

11 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
12 et seq., within which trial must commence, the time period of May 24, 2023 to August 9, 2023,
13 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
14 because it results from a continuance granted by the Court at defendant's request on the basis of
15 the Court's finding that the ends of justice served by taking such action outweigh the best interest
16 of the public and the defendant in a speedy trial.

17 h) The parties also agree that this continuance is necessary for several reasons,
18 including but not limited to, the need to permit time for the parties to exchange supplemental
19 discovery, engage in plea negotiations, and for the defense to continue its investigation and
20 preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

21 //

22 //

23 //

24 //

25 //

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: May 10, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ STEPHANIE M. STOKMAN
STEPHANIE M. STOKMAN
Assistant United States Attorney

Dated: May 10, 2023

/s/ JOHN GARLAND
JOHN GARLAND
Counsel for Defendant
Jerrett Newman

ORDER

IT IS SO ORDERED that the status conference is continued from May 24, 2023, to **August 9, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv). The Court intends to set a trial date at the next status conference. If the parties do not resolve the case in advance of the next status conference, they shall be prepared to set a trial date at the status conference hearing.

IT IS SO ORDERED.

Dated: **May 11, 2023**

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE